

Notice of Allowability

Application No.

09/621,054

Examiner

Igor N. Borissov

Applicant(s)

SUZUKI ET AL.

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment - After Non-Final Rejection of 04/04/2007.
2. ☒ The allowed claim(s) is/are 12, 13 and 15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Response to Amendment

Amendment received on 04/04/2007 is acknowledged and entered. Claims 1-10 have previously been canceled. Claims 11, 13 and 14 have been withdrawn. Claim 12 has been amended. New claim 15 have been added. Claims 11-15 are currently pending in the application.

Claim Rejections under 35 USC § 103 have been withdrawn due to the applicant's amendment.

Allowable Subject Matter

Claims 12 and 15 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent **claim 12**, the best prior art, Scheidt et al. teaches a method for recyclable components, comprising: treating the discarded article on the basis of a selected treatment procedure for separating parts incapable of being treated by facilities installed in a treatment-entrusted factory which is in charge of treatment of said discarded article; monitoring a situation in which said discarded article is being treated; reading out, from information concerning said discarded article, alternative treatment procedures serving for a same purpose as said selected treatment procedure and information concerning facilities required for executing said alternative treatment procedures in case it is decided that said treating situation suffers abnormality (required different treatment); selecting alternative treatment procedure capable of being carried out by facilities installed in the treatment-entrusted factory from the information concerning the facilities installed in the treatment-entrusted factory and the information concerning the facilities required for executing said alternative treatment procedures

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(determining, based on said information, how to treat said disassembled components, and if it is determined that said components are qualified for reuse, sending said qualified components for refurbishing, and if it is determined that said components include a high content of pure plastics or precious materials, sending (altering treatment process) said components to a dedicated recovery lines); treating said discarded article in accordance with said selected alternative treatment procedure, including checking the disassembled component parts whether the relevant work has been completed.

However, Scheidt et al. fails to teach of fairly suggest that in case it is decided that the candidate for the alternative treatment procedure is not found, determining the position or location at or along which the parts, harmful or hazardous material can be cut and separated from said discarded article without being impaired on the basis of the location information and the dimensional information concerning the parts, harmful or hazardous material.

The best foreign art, Katsunori (JP6246256), while teaching conduct operations of overhaul and recovery of classified materials on the basis of stored information on materials and mounting positions by products or parts and operation data on procedures and methods for overhaul and classification and retrieving and outputting required data using product classification information, including storing data by the models of machinery on kinds and amounts of materials, mounting positions of parts by materials, procedures and methods for overhaul, procedures and methods for disassembly, fails to teach of fairly suggest that in case it is decided that the candidate for the alternative treatment procedure is not found, determining the position or location at or along which the parts, harmful or hazardous material can be cut and separated from said discarded article without being impaired on the basis of the location information and the dimensional information concerning the parts, harmful or hazardous material.

The best NPL prior art, Schaffer (USEPA Mulls Additional Rulemaking Regarding Treatment, Disposition of Soiled Shop Towels), while addressing pollution prevention and resource conservation issues, fails to teach or fairly suggest that in case it is decided that the candidate for the alternative treatment procedure is not found, determining the position or location at or along which the parts, harmful or hazardous material can be cut and separated from said discarded article without being impaired on the basis of the location information and the dimensional information concerning the parts, harmful or hazardous material.

The remaining dependent **claim 15** is considered allowable, as it is dependent and based off of an allowable independent claims.

Rejoinder

Elected Invention Allowable, Rejoinder of All Previously Withdrawn Claims

Claim 12 is allowable. **Claim 13** is previously withdrawn from consideration as a result of a restriction requirement, include all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), the restriction requirement as set forth in the Office action mailed on 10/04/2006, is hereby withdrawn and **claim 13** is hereby rejoined an fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 USC 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 821.01.

Therefore, **Claims 12, 13 and 15** are allowed.

Pursuant to the procedures set forth in MPEP § 821.04(a), **claims 11 and 14** stand withdrawn as not in required form.

The restriction requirement has been reconsidered in view of the allowability of claims to the elected invention pursuant MPEP § 821.04(a). The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim. **Claims 11 and 14** are withdrawn from further consideration because does not require all the limitations of an allowable generic linking claim as required by 37 CFR 1.141.

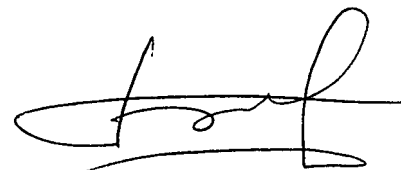
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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06/20/2007



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PRIMARY EXAMINER